

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

OTIS CLARKSON,

Plaintiff,

v.

MARTIN O'MALLEY,  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 23-CV-03777-SPM

**ORDER FOR ATTORNEY FEES**

**McGLYNN, District Judge:**

This matter is before the Court on Plaintiff Otis Clarkson's Petition for Award of Attorney Fees Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [hereinafter EAJA]. (Doc. 28). Plaintiff Clarkson seeks a total of \$5,424.01 in attorney fees for work performed from August 2023 to November 2024. (*See* Docs. 28, 29). In response, the Defendant Commissioner of Social Security states that he "does not oppose Plaintiff's Petition for Attorney Fees Pursuant to the [EAJA] to the extent that it seeks \$5,424.01 (five thousand four hundred twenty-four dollars and one cent) for attorney fees and expenses in full satisfaction of any and all claims that may be payable to plaintiff in this matter under the [EAJA]." (Doc. 31, p. 1).

The Court finds that Plaintiff is the prevailing party and is entitled to an award of attorney fees pursuant to the EAJA. The Court further finds that the amount sought is reasonable and appropriate. This award shall fully and completely satisfy any and all claims for fees and expenses that may have been payable to Plaintiff in

this matter pursuant to the EAJA, 28 U.S.C. § 2412. Per the parties' agreement, this motion does not include Plaintiff's costs, and Plaintiff may file a separate bill of costs.

Plaintiff Clarkson's Petition for Award of Attorney Fees (Doc. 28) is **GRANTED**. The Court awards Plaintiff attorney fees and expenses in the amount of \$5,424.01 (five thousand four hundred twenty-four dollars and one cent).

The amount awarded is payable to Plaintiff and is subject to set-off for any debt owed by Plaintiff to the United States in accordance with *Astrue v. Ratliff*, 560 U.S. 586 (2010). *See also Harrington v. Berryhill*, 906 F.3d 561 (7th Cir. 2018). However, any part of the award that is not subject to set-off to pay Plaintiff's pre-existing debt to the United States shall be made payable to Plaintiff's attorney pursuant to the EAJA assignment executed by Plaintiff. If Defendant can verify that Plaintiff does not owe a pre-existing debt to the government subject to the offset, Defendant will direct that the award be made payable to **Jennifer Van Fossan** pursuant to the EAJA assignment duly signed by Plaintiff. If payment is mailed, as compared to electronically deposited, it shall be mailed to counsel's address of record:

**Dennis W. Fox & Associates**  
**211 N. Broadway Ste. 2400**  
**St. Louis, MO 63102**

**IT IS SO ORDERED.**

**DATED: November 15, 2024**

*s/ Stephen P. McGlynn*  
**STEPHEN P. McGLYNN**  
**U.S. District Judge**